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March 16, 2024

**VIA CM/ECF**

Honorable Zahid N. Quraishi, U.S.D.J  
United States District Court  
Clarkson S. Fisher Building  
402 East State Street  
Trenton, New Jersey 08608

**Re: Kim, et al. v. Hanlon, et al.**  
**Docket No. 3:24-cv-01098-ZNQ-TJB**

Dear Judge Quraishi:

I write to advise the Court of an anticipated dispute regarding witnesses related to the March 18, 2024 evidentiary hearing and agenda for same.

As the Court is aware, Defendants requested 30(b)(6) witnesses to testify on behalf of Kim for New Jersey, Sarah for New Jersey and Carolyn Rush for Congress. This request was made during an exchange of drafts of the proposed hearing agenda among counsel earlier this week. Defendants requested a meet and confer on the proposed hearing agenda last weekend, but a substantive meet and confer was not scheduled and did not take place until March 15, 2024. During this zoom conference, 30(b)(6) topics were identified and discussed with Plaintiffs. Plaintiffs advised that they thereafter would identify specific individuals to serve as 30(b)(6) witnesses.

Since the entry of the Court's Order Setting Schedule for Preliminary Injunction Hearing yesterday evening, the undersigned has spent over 2 hours on meet and confer calls with Plaintiffs' counsel regarding complications with their creation and production of a proper privilege log consistent with the Court's March 15, 2024 Text Order [Docket Entry No. 138]. Those privilege logs were requested in demands served upon Plaintiffs on March 1, 2024.

During a meet and confer call this morning, Plaintiffs – for the first time – identified the respective candidates as the 30(b)(6) witnesses, consistent with the Court's suggestion. Defendants noted that, while this is acceptable, we may need to supplement the witness list following receipt



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of the privilege logs that are due to be produced at 1:00 p.m. today. Plaintiffs advised that they preemptively object and asserted that the “witness list is set” from their perspective.

As such, we write to advise the Court of this potential issue. It seems highly likely that upon receipt of Plaintiffs’ privilege logs, Defendants will identify additional fact witnesses given the designation of candidates as 30(b)(6) witnesses. We remain open to meeting and conferring with Plaintiffs regarding same (although they appear not willing to do so), but wanted to advise the Court of this issue in real-time to ensure that we do not unnecessarily have a last-minute issue and impede on Your Honor’s weekend.

Respectfully,

**GENOVA BURNS LLC**

s/ Rajiv D. Parikh  
RAJIV D. PARIKH

RDP

c: All counsel of record

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